

§ 194.121 Response plan review and update procedures.

(a) Each operator shall update its response plan to address new or different operating conditions or information. In addition, each operator shall review its response plan in full at least every 5 years from the date of the last submission or the last approval as follows:

(1) For substantial harm plans, an operator shall resubmit its response plan to OPS every 5 years from the last submission date.

(2) For significant and substantial harm plans, an operator shall resubmit every 5 years from the last approval date.

(b) If a new or different operating condition or information would substantially affect the implementation of a response plan, the operator must immediately modify its response plan to address such a change and, within 30 days of making such a change, submit the change to PHMSA. Examples of changes in operating conditions that would cause a significant change to an operator's response plan are:

(1) An extension of the existing pipeline or construction of a new pipeline in a response zone not covered by the previously approved plan;

(2) Relocation or replacement of the pipeline in a way that substantially affects the information included in the response plan, such as a change to the worst case discharge volume;

(3) The type of oil transported, if the type affects the required response resources, such as a change from crude oil to gasoline;

(4) The name of the oil spill removal organization;

(5) Emergency response procedures;

(6) The qualified individual;

(7) A change in the NCP or an ACP that has significant impact on the equipment appropriate for response activities; and

(8) Any other information relating to circumstances that may affect full implementation of the plan.

(c) If PHMSA determines that a change to a response plan does not meet the requirements of this part, PHMSA will notify the operator of any alleged deficiencies, and provide the operator an opportunity to respond, including an opportunity for an informal

conference, to any proposed plan revisions and an opportunity to correct any deficiencies.

(d) An operator who disagrees with a determination that proposed revisions to a plan are deficient may petition PHMSA for reconsideration, within 30 days from the date of receipt of PHMSA's notice. After considering all relevant material presented in writing or at the conference, PHMSA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless PHMSA allows additional time.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194–1, 62 FR 67293, Dec. 24, 1997; Amdt. 194–4, 70 FR 8748, Feb. 23, 2005; 70 FR 11140, Mar. 8, 2005]

APPENDIX A TO PART 194—GUIDELINES FOR THE PREPARATION OF RESPONSE PLANS

This appendix provides a recommended format for the preparation and submission of the response plans required by 49 CFR Part 194. Operators are referenced to the most current version of the guidance documents listed below. Although these documents contain guidance to assist in preparing response plans, their use is not mandatory:

(1) The “National Preparedness for Response Exercise Program (PREP) Guidelines” (PREP), which can be found using the search function on the USCG's PREP Web page, <http://www.uscg.mil>;

(2) The National Response Team's “Integrated Contingency Plan Guidance,” which can be found using the search function at the National Response Center's Web site, <http://www.nrt.org> and;

(3) 33 CFR Part 154, Appendix C, “Guidelines for Determining and Evaluating Required Response Resources for Facility Response Plans.”

Response Plan: Section 1. Information Summary

Section 1 would include the following:

(a) For the core plan:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in § 194.103, a listing and description of the response zones, including county(s) and state(s).

(b) For each response zone appendix:

(1) The information summary for the core plan;